

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROBERT McFARLAND,

Plaintiff

v.

C-1-09-929

BREADS OF THE WORLD,
LLC, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 61) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objections by the parties, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 61) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. Defendant Panera LLC's Motion for Summary Judgment (doc. no. 39) is GRANTED. Its Motion to Dismiss (doc. no. 33) is DENIED AS MOOT and defendant Panera LLC is DISMISSED WITH PREJUDICE. Defendant Bread of the World LLC's Motion to Dismiss (doc. no. 34) is DENIED. The Motion to Dismiss filed by defendants Ballato and Dunn (doc. no. 35) is GRANTED as to plaintiff's Title VII claims and hostile work environment claims but otherwise DENIED. Plaintiff's Motion for Additional Rule 56(f) Discovery (doc. no. 44) is DENIED. The defendants shall file their Answers within 20 days of the date of this Order.

This matter is RECOMMITTED to the United States Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court